

SENATOR BARBARA A. MIKULSKI

APPLICATION FOR U.S. DISTRICT JUDGE CANDIDATES

INSTRUCTIONS:

1.) **Please email one scanned copy** of this Application, including a resume if attached and the signed Authorization and Release but **without** any other attachments, to:

DistrictJudgeCandidate_Mikulski@mikulski.senate.gov

AND

2.) **Please mail or hand-deliver eight (8) paper copies** of this Application, resume if attached, signed Authorization and Release, and **all** attachments to:

Senator Barbara A. Mikulski
1629 Thames Street, Suite 400
Baltimore, MD 21231
Attn: Judicial Application

BOTH EMAIL AND PAPER DELIVERY MUST BE COMPLETED BY JULY 1, 2009.

If you have a current resume, please attach it and you may refer to it in your answers when it duplicates information requested in this application.

1. **Name:** State full name (include any former names used).
2. **Address:** List current home and office addresses, phone numbers, and email and indicate your preferred location to receive phone calls, email and mail.
3. **Birthplace:** State date and place of birth.
4. **Citizenship:**
 - a. Are you a U.S. Citizen?
 - b. Are you a naturalized citizen? If so, give the date and place of naturalization.
5. **Family Status:**
 - a. Are you married? If so, state the date of your marriage and your spouse's full name, including maiden name, if any, and occupation.
 - b. Have you been divorced? If so, give the name(s) of each former spouse.

- c. Give the names of your children, if any, with age, address, and occupation of each.
6. **Languages**: Do you speak more than one language fluently? If so, please list them.
7. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, what degree you received, and the date each degree was received.
8. **Non-Legal Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee (other than law-related) since graduation from college, and whether or not you received payment for your services. Include the name and address of the employer and job title or description.
9. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.
10. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.
11. **Legal Career**: Answer each part separately.
 - a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates you were a clerk;
 - ii. whether you practiced alone, and if so, the addresses and dates;
 - iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.
 - iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 2 most significant matters with which you were involved in that capacity.

- b. Describe:
 - i. the general character of your law practice, and indicate by date if and when its character changed over the years.
 - ii. your typical clients and practice areas during each period of your legal career.
 - c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
 - i. Indicate the percentage of your practice in:
 - 1. federal courts;
 - 2. state courts of record;
 - 3. other courts;
 - 4. administrative agencies
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings;
 - 2. criminal proceedings.
 - d. Estimate the number of cases in courts of record, including cases before administrative law judges, that were decided “on the merits” (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
 - i. Approximately how many of the cases were decided by motion?
 - 1. In these cases, provide an estimate of how many you served as lead counsel and how many as assistant counsel.
 - ii. Approximately how many of the cases were decided by trial?
 - 1. In these cases, provide an estimate of how many were non-jury trials and for such non-jury trials an estimate of how many you served as lead counsel and how many as assistant counsel.
 - 2. In these cases, provide an estimate of how many were jury trials and for such jury trials an estimate of how many you served as lead counsel and how many as assistant counsel.
12. **Litigation**: Describe the four (4) most significant litigated matters, which can include appeals, which you personally handled. Provide the citations if the cases were reported or the docket number and date if the cases were unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;

- b. the name and address of the court and the name and phone number of the judge or judges before whom the case was litigated; and
 - c. the individual names, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
- 13. **Non-litigation Legal Activities:** Describe the most significant other (non-litigation) legal activities you have pursued, including significant dispute resolution (either representing a party or as a mediator/arbitrator) that did not progress to litigation or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for which you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this (or any other) question, please omit any information protected by the attorney-client privilege.)
- 14. **Legal Writing Samples:** For non-judges, please attach a copy of three significant samples of your legal writing—e.g., briefs, substantial memoranda, etc. The major portion of the writing samples and related research must be that of the applicant, without substantial editing by others. If written documents are co-authored, please indicate which portion is attributable to another author. If you are a judicial officer, please see question 19d instead.
- 15. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
- 16. **Bar and Court Admissions:**
 - a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.
 - b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.
- 17. **Memberships:**
 - a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 15 or 16 to which you belong, or to which you have belonged, since graduation from undergraduate school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 17a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

18. Published Writings and Public Statements:

Please attach a copy of any public statements that have been substantially written or edited by you, that are relevant to this application. Such statements might include, for example and without limitation, books, articles, letters to editor, committee reports or policy statements, testimony, speeches, or interviews, including those published only on the Internet. If doing so would be overly voluminous, a list of such statements/writings including titles, dates, and other identification may be attached. It is our intent to receive any significant public statements fairly attributed to you that reflect positively or negatively on your application, for example documents that reflect your views or your writing ability. This question is not designed to solicit copies of opinions or pleadings from legal proceedings.

19. Judicial Office:

- a. State (chronologically) any judicial offices you have held, including that of administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
- b. Approximately how many cases have you presided in total? Approximately how many cases have you presided over that have been resolved on the merits, as opposed to being settled or pled? Approximately how many cases have you presided over that have resulted in a completed trial?
 - i. Of these trials, approximately what percent were:

jury trials? ____%; bench trials ____% [total 100%]

civil proceedings? ____%; criminal proceedings? ____% [total 100%]
- c. For each of the 3 most significant trials over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case or the case's docket number and date(s) of trial.

- d. Provide a copy of each of the 3 most significant opinions you have written. Also provide the names and contact information for the attorneys who played a significant role in the case.
20. **Recusal:** Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.
21. **Public Office, Political Activities and Affiliations:**
- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.
 - b. List all memberships and offices held in and services rendered to, whether compensated or not, any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.
22. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, attach a copy to this application.
23. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

24. **Finances:**

- a. Indicate whether you have received or anticipate receiving any substantial income from sources other than salary from listed employment and typical investments that might be a concern in connection with your potential nomination. Note that an extensive review of your financial situation will be undertaken prior to any nomination or confirmation.
- b. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? If so, give particulars.
- c. Have you filed all tax returns, as required by federal, state, local or other law? If not, please provide a detailed explanation, including the amount at issue, relevant dates, the status and outcome of the claim.

25. **Potential Conflicts of Interest:** Identify any factors that are likely to present potential conflicts-of-interest if you would assume the position to which you are applying, such as personal or family business relationships or litigation. Explain how you would address any such conflict if it were to arise.

26. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

27. **Crimes:** Have you ever been convicted of a violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, please give details. Do not include traffic violations for which a fine of \$200.00 or less was imposed.

28. **Party to Civil Legal or Administrative Proceedings:** State whether you, or any business of which you are or were an owner or officer at a relevant time, has ever been a party or otherwise involved as a party in any civil, legal or administrative proceedings. If so, describe in detail the nature of the proceeding, your participation in the proceeding, and the final disposition of the case.

29. **Household Employment.**

- a. Have you or any member of your household ever hired or employed an undocumented employee to perform services in or around your household, including but not limited to a nanny or housekeeper?
- b. Have you or any member of your household ever failed to meet any state or federal obligation relating to the employment of any person in or around your household, including, without limitation, any obligations to report income or pay payroll taxes or social security?

30. **Past Investigations and Complaints:**

- a. State whether, to your knowledge, you or any organization of which you were or are an officer, director, or active participant at a relevant time has ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, provide full details.
- b. Have you ever been the subject of a complaint to any court, administrative agency, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, provide full details.

31. **Other Disclosures:**

- a. Do you know of any reasons why you might not be able to perform the normal duties and functions of a U.S. District Judge?
- b. Describe any other aspects of your personal, business or professional conduct that may reflect positively or adversely on you or which you believe should be disclosed prior to further consideration of you for appointment.

32. Briefly describe why you are seeking to become a United States District Judge and why you believe you should be nominated.

33. What role can a judge play in making our society a better place? Relate any personal or professional experiences in this regard.

34. **References:** Please list 3-5 references, including address, telephone number, and email address.

AUTHORIZATION AND RELEASE

I hereby authorize the release of information I submit in connection with this Application for U.S. District Judge Candidates, in part or in whole, to President Barack Obama, Senator Barbara Mikulski, Senator Benjamin Cardin, their staffs, and any other committees and/or individuals who have been asked by President Obama, Senator Mikulski, or Senator Cardin to assist in the evaluation of applicants for federal appointment (collectively referred to as "Evaluators").

I acknowledge and agree that for the purpose of aiding in evaluating my background and qualifications, the aforementioned Evaluators are authorized to seek and obtain information and documents concerning me from all third parties. Such third parties may include, but are not limited to, firms, companies, corporations, educational institutions, attorneys, judges, governmental, licensing, and law enforcement agencies, major national credit reporting agencies, individuals, and other third parties regardless of whether they have been mentioned in my application.

I further acknowledge and agree that for the purpose of aiding in evaluating my background and qualifications, all third parties are authorized to release any and all information concerning me to the aforementioned Evaluators. I hereby waive any right to receive or know the contents of any disclosure the Evaluators may receive from any party, except that I retain any existing right to receive a copy of reports from major national credit reporting agencies.

I hereby release and discharge the Evaluators, their staff, agents and representatives, and all third parties from any and all liability of every nature and kind arising out of the furnishing, use, and inspection of documents, records and other information about me and the investigation of my background and qualifications pursuant to this application. This release shall be binding on my legal representatives, heirs and assignees.

I hereby declare under the penalty of perjury under the laws of the State of Maryland and the United States of America that the answers and statements provided by me in connection with the foregoing application are true and correct.

Name: _____
(Type or Print)

Signature: _____

Date: _____